

Authority: Toronto and East York Community Council Item 8.1,
as adopted by City of Toronto Council on July 12, 13 and 14, 2011
Enacted by Council: July 14, 2011

CITY OF TORONTO

BY-LAW No. 973-2011

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 210 Simcoe Street.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Section 5 of this By-law, to the City at the *owner's* expense.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services and matters set out in Section 5 of this By-law, the *lot* is subject to the provisions

of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space* – *visitor* and *grade*, 4(2)(a), 4(5)(b), 4(5)(i)(ii), 4(12), 4(13)(a), (c), and (d), 4(17)(e), 8(2)(1)(a), 8(3)(Part I) 1 and 3(a) of By-law No. 438-68 being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *residential building* on the *lot* containing residential uses, including uses *accessory* thereto, provided that:
- (1) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - (2) the total *residential gross floor area* erected or used on the *lot* shall not exceed 22,150 square metres;
 - (3) no portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (a) balconies, may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres beyond the wall to which they are attached, and for clarity, where they attach to two or more walls, the projection is measured perpendicular from the access thereto, provided such projection is not beyond the *lot* line;
 - (b) a vertical green wall provided it does not project beyond the lot line; and,
 - (c) eaves, cornices, window washing equipment, parapets, railings, canopies, or awnings may extend beyond the heavy lines shown on Map 2 to a maximum of 3 metres beyond the wall to which they are attached;
 - (4) no person shall erect or use a building or structure on the *lot* having a greater *height*, in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
 - (a) stairs, stair enclosure, elevator, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements provided they are no higher than 5.0 metres above the height limits shown on Map 2 and not located above a height of 81.5 metres;
 - (b) parapets, balcony dividers, planters and railings extending to a maximum vertical projection of 1.8 metres above the height limits shown on Map 2;

- (c) window washing equipment, landscape elements (including green wall), lighting fixtures, vents, flues, pipes, access roof hatch, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may project above the height limits shown on Map 2; and
 - (d) balconies, canopies, cornices, and eaves may extend above the *height* limit provided they are no higher than the wall to which they are attached;
- (5) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (a) a minimum of 0.30 parking spaces for each bachelor dwelling unit;
 - (b) a minimum of 0.30 parking spaces for each one bedroom dwelling unit;
 - (c) a minimum of 0.45 parking spaces for each two bedroom dwelling unit;
 - (d) a minimum of 0.70 parking spaces for each three or more bedroom dwelling unit; and
 - (e) a minimum of 5 visitor parking spaces shall be provided on the lot;
- (6) for each *car-share parking space* provided on the *lot*, the minimum resident parking required shall be reduced by 4 *parking spaces*;
- (7) the number of *car-share parking spaces* shall be 3;
- (8) the maximum number of *parking spaces* shall be 107;
- (9) despite section 4(17) of By-law No. 438-86, a maximum of 14 *parking spaces* may have the following minimum dimensions:
 - length 5.2 metres;
 - height 2.0 metres; and
 - width 2.4 metres;
- (10) despite section 4(5)(II) of By-law No. 438-86, in respect of ingress and egress to and from the underground parking facility, a vehicle elevator lift shall provide access to a public highway. Otherwise, aisle widths within the underground parking facility have a minimum width of 3.5 metres, for one-way operation, and a minimum width of 5.5 metres for two-way operation;
- (11) *bicycle parking spaces – visitor* shall be located only on the first level below grade or the first level closest to grade; and, shall be reserved at all times for visitors to the building and designated by means of clearly visible signs as being for the exclusive use of visitors to the building in such areas;

- (12) *residential amenity space* shall be provided in accordance with the following table:

TYPE OF RESIDENTIAL AMENITY SPACE REQUIRED	AMOUNT OF RESIDENTIAL AMENITY SPACE REQUIRED
<i>Residential amenity space</i> in a multi-purpose room or multi-purpose rooms, at least one of which contains a kitchen and a washroom:	1.0 square metre of <i>residential amenity space</i> for each dwelling unit
<i>Residential amenity space</i> located outdoors:	0.74 square metres of <i>residential amenity space</i> for each dwelling unit of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor residential amenity space.

- (13) the maximum floor area of *residential amenity space* shall be 325 square metres indoor and 220 square metres outdoor; and
- (14) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 5 of this By-law and that such an agreement be registered on title to the *lot* to the satisfaction of the City Solicitor.
4. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (1) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development permitted by this By-law on the *lot* is permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner's* sole expense:
- (1) prior to the issuance of the first above grade building permit, the owner must enter into assignable Agreements of Purchase and Sale with Toronto Artscape Inc., OCAD University and/or the City of Toronto with respect to eight dwelling units within the development, described in subsections 5(2)(b), 5(2)(c), and 5(2)(d) below, such Agreements of Purchase and Sale to be subject to the terms and conditions respecting those Agreements of Purchase and Sale set out in the agreement described in subsection 5(2) below;

- (2) the owner must enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure:
- (a) the matters provided for in subsection 5(1) above;
 - (b) the conveyance of three OCAD University dwelling units at no cost;
 - (c) the conveyance of one Toronto Artscape Inc. dwelling unit at no cost, other than the Education Development Charges and City Development Charges, associated with that dwelling unit;
 - (d) the conveyance of four Toronto Artscape Inc. dwelling units at \$240 per square foot, plus the Education Development Charges and City Development Charges associated with those dwelling units;
 - (e) a provision allowing the Agreements of Purchase and Sale of all eight dwelling units in subsections 5(2)(b), 5(2)(c), and 5(2)(d) to be assignable;
 - (f) a warning clause in any Purchase and Sale Agreements with respect to the possible relocation of Michael Sweet Avenue to a location further south;
 - (g) the provision of a maximum of two units per floor, commencing on the fourth floor above grade, to be capable of being designed as three-bedroom units in compliance with the provisions of the Ontario Building Code. These dwellings units are to be shown on any marketing plans with knock-out panels having the potential to be constructed as three-bedroom units. Details of the construction of these units shall be included in an Agreement pursuant to Section 37 of the *Planning Act*;
 - (h) a provision that the condominium declaration shall be provide that dwelling units on the fourth floor may be maintained and operated as live/work units; and
 - (i) the requirement that the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division and Executive Director, Technical Services Division, in consultation with the Ward Councillor, a Construction Management Plan, prior to Site Plan Approval.

6. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (1) *car-share motor vehicle* shall mean a motor vehicle available for the short term rental, including an option for hourly rental, for the use of at least the occupants

of a building erected on the lot;

- (2) *car-share parking space* shall mean a parking space used exclusively for the parking of a *car-share motor vehicle*;
- (3) *grade* shall mean 92.25 metres Canadian Geodetic Datum;
- (4) *OCAD University* shall mean the OCAD University or a corporation controlled by it, or if it is not able to complete the transaction for any reason, such other similar, qualified arts organization;
- (5) *Toronto Artscape Inc.* means Toronto Artscape Inc., a non-profit corporation controlled by it, its permitted assignees, or such other similar, qualified arts organization; and
- (6) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

ENACTED AND PASSED this 14th day of July, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



